

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Michael Kay,

Petitioner

v.

Christopher Chestnut,

Respondents

Case No.: 2:23-cv-00896-APG-EJY

**Order Instructing Petitioner to File an IFP
Application or Pay Filing Fee**

[ECF No. 1]

Petitioner Michael Kay, a *pro se* pretrial detainee, has not properly commenced this habeas action by either paying the standard \$5.00 filing fee or filing a complete application for leave to proceed *in forma pauperis* (IFP). He submitted a Petition for Writ of Habeas Corpus (ECF No. 1-1) under 28 U.S.C. § 2241, but he did not pay the \$5 filing fee or submit a complete IFP application.


Pursuant to 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00 filing fee is required to initiate a habeas action in a federal district court. The court may authorize an indigent prisoner to begin a habeas action without paying the \$5 fee if he or she submits an IFP application on the approved form and includes three specific documents: (a) the prisoner's financial declaration and acknowledgement showing an inability to prepay fees and costs, (b) a financial certificate signed by the prisoner and an authorized prison official, and (c) a copy of the prisoner's account statement for the six-month period prior to filing. 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

Petitioner will have 45 days from the date of this order to either pay the \$5 filing fee or submit a complete IFP application with all required documentation.

1 I THEREFORE ORDER:

- 2 1. The initial screening of Petitioner's Petition for Writ of Habeas Corpus (ECF No. 1-1)
- 3 under the Rules Governing Section 2254 Cases is deferred to until such time as he has
- 4 fully complied with this order.
- 5 2. The Clerk of Court is instructed to send Petitioner a blank form IFP application by an
- 6 inmate with *two* copies of this order.
- 7 3. **Within 45 days of entry of this order**, Petitioner must file an IFP application that
- 8 includes a: (a) financial certificate signed by Petitioner and an authorized prison
- 9 official, (b) financial declaration and acknowledgement signed by Petitioner, and (c)
- 10 copy of Petitioner's inmate account statement for the six-month period prior to filing.
- 11 Alternatively, Petitioner must pay the \$5 filing fee within 45 days of entry of this
- 12 order. If Petitioner decides to pay the filing fee from his inmate account, he must
- 13 arrange to have a copy of this order attached to the check for the filing fee.
- 14 4. Petitioner's failure to comply with this order by (a) submitting an IFP application, or
- 15 (b) paying the filing fee before the deadline will result in the dismissal of this action
- 16 without prejudice and without further advance notice.

17 DATED this 7th day of July, 2023.

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20 ANDREW P. GORDON

21 UNITED STATES DISTRICT JUDGE

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